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Testimony  
Senate Bill 276  
House Judiciary Committee  
16 March 2011

EXHIBIT 3  
DATE 3/16/2011  
SB 276

Mr. Chair and Members of the Committee,

We rise to ask you to table this bill. We recognize that the Montana Supreme Court has ruled part of the Deviate Sexual Conduct law unconstitutional but we consider the Supreme Court's ruling as a usurpation of the legislature's right and duty to address the people's will and that they did not throw the whole law out.

Our organization filed an Amicus Curiae or Friend of the Court brief in the *Gryczan* case and I would like to read to you a short quote from that brief that was filed by our attorney Stuart Bradshaw.

"The statute under attack is one of the oldest criminal statutes in Montana law, deeply rooted in the values and societal attitudes of the citizens of this State. These values and attitudes are reflected in the legislators elected to represent the citizens of this State and in the laws which they enact or perpetuate. The issue before the Court, the constitutionality of §45-5-505, MCA, is a significant political, moral and public policy issue."

In the Senate Judiciary hearing the proponents, almost without exception, stated that the Montana Supreme Court in *Gryczan* threw out the law as found in MCA 45-5-505. As mentioned, that is not true in fact the court indicated that some of the law should stay intact as the majority wrote just before signing the opinion:

"While nothing in this opinion should be construed to countenance nonconsensual sexual activity, sexual contact with a minor, or any form of sexual conduct for commercial purposes . . ."

They wrote that such activity, deviate sexual conduct with a minor, in a deviate rape or in certain commercial activity, should remain and not be "countenanced".

Montana adopted a sodomy law with the common-law definition as soon as the territorial legislature met in 1865. It has been on the books ever since. Although the homosexuals and their supporters deny that they have an agenda, unless you were living in a hole for the past two decades you can't help but see it.

In order to get acceptance of their deviate lifestyle the homosexuals and their supporters had to get rid of all the laws against deviate sexual conduct or sodomy all over America. Virtually every state had a law against sodomy. Many even applied to sodomy between a heterosexual couple.

The people did not vote out these laws but, by the tyranny of their power the courts, throughout America, ruled that the laws were unconstitutional. It is interesting that our Founders had such laws in the colonies but as we slouch toward Gomorrah the term deviate sexual conduct has become a problem for the homosexuals and the debate on this bill on the floor of the Senate illustrates that is happening with this bill as many claimed that "words hurt".

Words do hurt, sometimes, but the truth will set us free. What other words are we going to change in the law next time? Homicide? Rape? Indecent?

One reason these words need to be done away with is so their type of "sexuality" can be taught to our youth in the schools without any words revealing the truth. This is conduct that is claimed by supporters to be as normal as the sexual conduct we were created to be involved in.

As a law enforcement officer in Lincoln County I arrested several homosexuals who molested young boys in a deviate manner. Many of those boys struggled with sexual identity issues later in life because of the nature of those assaults.

The court only addressed consenting adults in *Gryczan*. So the law is still good and should remain on the books. In my opinion, deviate sexual assault on a minor creates additional harm to that child and should be available for an additional charge besides statutory rape.

We ask you to leave the law on the books as a tool for law enforcement officers. The law has been used in recent years since the *Gryczan* case and should be available now and beyond.

Thank you.

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